

LOCAL COURT RULES  
FOR  
ADAMS CIRCUIT COURT  
AND  
ADAMS SUPERIOR COURT  
OF THE 26<sup>TH</sup> JUDICIAL CIRCUIT  
OF ADAMS COUNTY, INDIANA

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## PROBATE RULES OF THE ADAMS CIRCUIT COURT

### LR01-PR00-01

No estates, guardianships or other probate matters will be filed in this Court unless there is at least one attorney admitted to practice law in the State of Indiana listed as attorney of record. In the event there is an out of state attorney there must be an Indiana lawyer listed as the attorney of record and the Court will look to the Indiana attorney as the responsible attorney in all probate matters.

### LR01-PR00-02

Upon the opening of each testate estate, the Court recommends that Counsel for the Personal Representative send a copy of the decedent's Will (if not previously sent or delivered) with any notice of appointment of the Personal Representative which is mailed by the Clerk.

In every estate it is recommended that Counsel for the Personal Representative write a letter to all heirs, devisees and legatees explaining the Probate process and giving an estimate of the time the estate will be open and the work which is necessary to complete the Estate. The copy of the Will mentioned above should be sent with this letter.

### LR01-PR00-03

In all supervised estates, the Personal Representative shall file with the Court within two months of his appointment, a verified Inventory prepared in conformity with the requirements of I.C. 29-1-12-1. In the event that the attorney for the Personal Representative is unable to file an inventory within two months, he will so apprise the

Court by a statement in writing the reasons for failure to comply with this Rule and I.C. 29-1-12-1.

LR01-PR00-04

No petition for administration without Court supervision will be granted unless the consent requirement of I.C. 29-1-7.5-2(a)(4) is met, along with all other requirements of I.C. 29-1-7.5-2(a).

LR01-PR00-05

In all supervised estates, no petition to sell real property will be granted unless a competent written appraisal setting forth the fair market value thereof is filed with the Court at the time of filing the petition to sell, unless such appraisal was reflected in the inventory.

LR01-PR00-06

At the time of opening of opening of the estate, or at the time papers are filed in the Court, the attorney for the estate will file therewith, a brief of what the Court will please enter in the minutes of the record of said Court. This will be prepared by the attorney and handed to the Court with the docket sheet at the time of filing any pleadings or forms.

LR01-PR00-07

- 1 A. In order to waive the penalty for failure to timely file the Schedule to Determine Inheritance Tax pursuant to I.C. 6-4.1-4-6-(b), an affidavit shall be filed with the Court by the Personal Representative or his attorney showing the justifiable excuse.

- 2 B. In order to reduce the interest from 10% to 6% for failure to pay the Indiana Inheritance Tax within 12 months from date of death an affidavit should be filed by the Personal Representative or his attorney with the Court showing that there was an unavoidable delay which prevented a determination of the Inheritance Tax due.

LR01-PR00-08

Routine matters not requiring an immediate hearing for Court Order such as inventories, inheritance tax schedules and final reports may be filed with the Clerk of the Court for transmittal to the Court. Inheritance Tax Schedules must be filed in triplicate to which a copy of the Will must be attached.

LR01-PR00-09

If an estate cannot be closed, the attorney for the Personal Representative must report the condition of the estate to the Court within one year after date of his appointment, and thereafter, every year until the estate is fully administered. The countersigned receipt or a photocopy thereof showing payment of the Indiana Inheritance Tax liability in the estate executed and sealed by the Indiana Department of State Revenue should be attached to the final report at the time of filing.

LR01-PR00-10

The Court may, in its own discretion and on its own motion, send notices to attorneys and/or Personal Representatives of the failure to meet any filing requirement established by these rules or any Indiana Statute. The Court shall have the power and authority to issue Show Cause Orders to any attorney or Personal Representative to enforce the prompt compliance with any of these rules, any Indiana Statutes or any

Notices sent in furtherance thereof. The Court will not send notice directly to any Personal Representative, however, before first giving notice to his attorney and allowing sufficient time for said attorney to correct the problem and/or respond to such notice.

LR01-PR00-11

The Court recommends that the attached form entitled “Instruction to Personal Representative of Supervised Estate” be reviewed, read and signed by all Personal Representatives. Such form is designated Probate Form 1A and a supply thereof shall be maintained in the Office of the Clerk. Each attorney shall keep a supply in his office and it shall be the attorney’s duty to review and explain the form with the Personal Representative receives a copy thereof.

LR01-PR00-12

Where the surviving spouse is the sole distribute in an estate and is exempt from Indiana Inheritance Tax, no Schedule of All Property need be filed, provided however, that the Personal Representative make an affirmative statement in the Final Account substantially in this form:

“The sole and only heir (or sole legatee and devisee) of the decedent is his (her) surviving spouse, (name), and all distributions to such spouse are exempt from Indiana Inheritance Tax pursuant to the statutes of the State of Indiana, specifically I.C. 6-4.1-4-0.5, and therefore no Schedule of All Property has been filed and no inheritance tax is due or payable by the estate or any distributee thereof.”

The following is a fee guideline which the Court will utilize to determine appropriate attorney fees and Personal Representative's fees in supervised estates and where there is no administration. The guideline is intended to cover usual and ordinary services that are incurred in the administration of the probate proceeding and is to be applied to all chargeables as shown on the final account. If an attorney or Personal Representative is required to do extraordinary work, then additional fees commensurate with the services rendered may be charged according to the circumstances prevailing in each individual matter. Fee petitions requesting extraordinary fees must set forth services rendered with specificity.

#### PROBATE DECEDENT'S ESTATES

##### I. FULL ADMINISTRATION – ATTORNEY'S FEES

Where the attorney represents a Personal Representative in complete administration, the following fee is suggested for all necessary consultations preliminary to the appointment of the Personal Representative, the filing of inventory, adjudication of inheritance tax and federal estate tax, final report and other matters incident to the settlement of the ordinary estate.

##### A. FEE BASED ON GROSS VALUE OF PROBATE ASSETS:

6% on the first \$100,000.00

4% of next \$100,000.00

3 ½% of next \$100,000.00

2% of next \$250,000.00

1% over \$550,000.00

Where the attorney's work for the client includes non-probate assets, the Court strongly recommends that the attorney obtain a written fee agreement at the outset stating work expected to be performed and compensation to be paid, and excepting unusual events, not to exceed 4%.

## II. FULL ADMINISTRATION – PERSONAL REPRESENTATIVE'S FEES

The Personal Representative's fees shall be one-half the attorney's fees set out in Paragraph I above.



## WORK RELEASE PROGRAM

In all cases in which the Court has authorized “work release” to a person who has been committed to the Adams County Law Enforcement Center (jail) upon conviction of a crime, the following rules and regulations shall apply:

LR01-CR00-01 Work release: This term encompasses the temporary release of the person from custody to work at a place of employment which provides for the compensation of said person.

LR01-CR00-02 Time span of release: No person shall be permitted to be released from jail for work release for more than 12 hours per day and no more than six days per week.

LR01-CR00-03 Vehicle: If the released person intends to drive to work, he must provide to the jail staff a valid driver’s license, insurance papers, and proof of vehicle ownership prior to receiving authorization to drive to and from work. If the released person operates a vehicle owned by another, he must present to the jail staff a letter of authorization signed by the owner. The inmate shall not be allowed to travel outside of Adams County unless specifically authorized by the jail staff.

LR01-CR00-04 Route of travel: The released person must go directly to and from his work. “Directly” as used in the work release program and this order means that the inmate, and any person providing the inmate transportation, shall not depart from the most reasonably direct route between the jail and the inmate’s work site, and the inmate or any person providing the transportation, shall not stop on that route except as required by applicable traffic regulations.

LR01-CR00-05 Time of release and return: The inmate shall provide the hours and location of his employment to the jail staff and any changes in that information, and the inmate shall be released in sufficient time to permit the inmate adequate time to travel to the place of employment. It shall be within the sole discretion of the jail staff when the inmate should be released and when he must return to the jail.

LR01-CR00-06 Room and board: The inmate must pay for room and board provided by the county as follows: \$100.00 per week or 20 percent of his gross earnings less payroll deductions required by law (federal and state withholding and social security), WHICHEVER IS GREATER.

LR01-CR00-07 Distribution of earnings: Upon receipt by the inmate of his paycheck from his employer, the inmate shall, pursuant to I.C. 11-2-5-3, endorse and deliver said check to the Sheriff of Adams County together with the accompanying summary of earnings and deductions and the Sheriff shall disburse the proceeds of each pay check in the following order:

- 3 (a) Pay state and federal income taxes and social security deductions not otherwise withheld;
- 4 (b) Pay the cost of membership in an employee organization;
- 5 (c) Not less than fifteen percent (15%) of the person's gross earnings if that amount of gross is available after the above deductions, to be given to that person. Any amounts withheld from the inmate's pay for a savings or investment plan shall be credited towards the 15 percent specified herein;
- 6 (d) Pay for the person's room and board provided by the county as specified above;

- 7 (e) Pay transportation costs to and from work and other work related incidental expenses;
- 8 (f) Pay Court ordered costs, fines or restitution;
- 9 (g) With the consent of the person, pay any unpaid obligations of that person;
- 10 (h) Any remaining amount shall be given to the person.

LR01-CR00-08 Medical bills: The inmate shall pay all costs for his medical, dental, and hygiene care, including hair cuts, during incarceration.

LR01-CR00-09 Phone calls: The inmate shall not make any telephone calls, to any person, including family, nor will he arrange any personal contact with a friend or family member, while released from the jail on the work release program. However, work related calls are permitted.

LR01-CR00-10 Alcohol and drugs: All inmates on the work release program shall refrain from the use of alcohol, drugs and prohibited substances except those prescribed specifically by a physician for said inmate.

- 1 (a) The inmate shall not be permitted to enter any establishment that offers alcoholic beverages for sale, such as bars, taverns and package liquor stores;
- 2 (b) The inmate shall submit to any one or more of the following tests: intoxicilizer, breathalyzer, alco-sensor, urinalysis, blood tests or any other available alcohol or drug tests or screenings;
- 3 (c) The inmate shall be required to pay the cost of any such test.

LR01-CR00-11 Police inquiries: The inmate shall answer all reasonable inquiries truthfully and accurately of any police officer.

LR01-CR00-12 Weapons: At no time shall the inmate possess any firearm, destructive device or other dangerous weapon.

LR01-CR00-13 Accountability: The inmate shall be accountable to the jail staff for his whereabouts at all times. The inmate will follow jail staff instructions at all times and will be courteous to all others. He is an inmate that has been given special privileges and lack of courtesy or verbal or physical abuse of any person will not be tolerated.

LR01-CR00-14 Search and seizure and extradition: By requesting and being permitted to participate in the work release program, the inmate waives his right against unreasonable Search and seizure and extradition and by participating in the program, he specifically acknowledges said waiver.

LR01-CR00-15 Associations: The inmate shall not associate with anyone having a questionable reputation or a criminal record, including probationers.

LR01-CR00-16 Support: The inmate is ordered to support his wife and minor children, if applicable.

LR01-CR00-17 Status as inmate: A person in the work release program is still an inmate and subject to legal detention and custody of the jail, and it is a crime to depart from the jail or from the place of employment (or approved activities) which also includes failure to report to the assigned work, education or treatment and also it is a crime to fail to return from these activities at the specified time. By copy of this order, the inmate is advised that said crimes will be prosecuted and they can be punishable by further imprisonment. That statute I.C. 35-44-3-5 provides as follows:

- 1 (a) A person who intentionally flees from lawful detention commits escape, a Class C Felony. However, the offense is a class B Felony if, while committing

it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

- 2 (b) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a Class D Felony. However, the offense is a Class C Felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

LR01-CR00-18 Application of order: This order shall apply to any person now on work release or any person placed on work release subsequent to this order, and a copy of this order shall be provided to all persons presently on work release.

LR01-CR00-19 Signing agreement: To be eligible for work release, a person must:

- 1 (a) Be given a copy of this order, read it, or have it explained to him, and indicate in writing that said person understands the terms of work release and further indicates that said person will comply with said terms and conditions;
- 2 (b) Said person shall be required to sign an agreement substantially in the form which is attached hereto which incorporates the provisions of this order.

LR01-CR00-20 Laws and violations: The inmate shall obey all town, city, county, state and federal laws and ordinances. Any arrests, other than minor traffic violations, shall result in the suspension of work release privileges. Likewise, any violations of this order or any specific conditions set forth by the Court or the jail may result in the suspension of said privileges and also may be a violation of the conditions of

suspension of additional incarceration and could result in the execution of part, or all, of the previously suspended incarceration.

LR01-CR00-21 Modifications of order: The provisions of this order shall apply to all persons on the work release program unless the specific order in any case modifies any of said rules or if the jail staff modifies said rules in writing in a specific case. All violations must be reported to the Court in writing, and any failure to report will, in itself, be a violation of this order.

LR01-CR00-22 Notice to Court: To be eligible for the work release program, the agreement mentioned above must be executed by the person, a copy of this order must be attached thereto, and each page initialed by said person, and a copy of said agreement and initialed order must be returned to the Court for the Court's files.

LR01-CR00-23 Gender: Any reference to the masculine is equally applicable to the feminine, for example, his shall also include her, etc.

LR01-CR00-24 - Reserved Number

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT

COUNTY OF ADAMS SS:

CAUSE NO. 01C01-0001-MI-001

IN THE ADAMS SUPERIOR COURT

CAUSE NO. 01D01-0001-MI-001

IN THE MATTER OF PAUPER  
COUNSEL FEES IN  
ADAMS CIRCUIT COURT

LR01-CR00-25

COURT ORDER

**WHEREAS** the existing practice of compensation for court-appointed counsel of \$60.00 per hour has persisted unchanged for at least four years and;

**WHEREAS** in the intervening time the cost of doing business as an attorney in Adams County has increased substantially and;

**WHEREAS** the ordinary hourly rate charged by Adams County attorneys for privately retained clients has risen from \$100.00 an hour four years ago to \$130.00 an hour presently and rising, and;

**WHEREAS** economic studies of law practices have shown for many years that approximately two-thirds of an attorney's gross receipts go for the costs of operation of their law office and;

**WHEREAS** the State of Indiana Public Defenders rates exceed \$60.00 per hour and the Allen County Courts have been paying their pauper counsel at the rate of \$65.00 per hour for more than a year;

**IT IS NOW ORDERED** that counsel serving the Adams Circuit Court by appointment to represent indigent clients shall be compensated at the rate of \$65.00 per hour for services provided beginning October 17, 2000, all until further order of the Court.

DATED: October 17, 2000

S/Frederick A. Schurger  
Frederick A. Schurger, Judge  
Adams Circuit Court

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT  
CASE NUMBER 01C01-9501-MI-005

COUNTY OF ADAMS SS:

IN THE ADAMS SUPERIOR COURT  
CASE NUMBER 01D01-9501-MI-001

IN RE:  
LOCAL RULES

**LOCAL RULES REGARDING ASSIGNMENT OF CRIMINAL CASES,  
CHANGE OF VENUE AND RELATED MATTERS  
INTRODUCTION**

The following rules have been adopted by the Judges of Adams Circuit Court and Adams Superior Court in compliance with Criminal Rules 2.2, 12 and 13. The undersigned Judges comprise all of the Judges in Adams County with jurisdiction in felony and misdemeanor cases and they have evaluated the past procedures and have assessed the needs of Adams County. The following local rules are hereby adopted:

**LR01-CR2.2-01 --CASE ASSIGNMENT**

(A) Misdemeanors and D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is a Class D Felony or a Misdemeanor shall be assigned to Adams Superior Court.

(B) All Felonies Except D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is greater than a Class D Felony shall be assigned to Adams Circuit Court. For example, if any felony greater than a Class D Felony is filed it shall be assigned to Adams Circuit Court along with any additional criminal charges regardless of whether or not those additional criminal charges are Class A Misdemeanors or Class D Felonies.

(C) Criminal Non-Support: All cases involving allegations of criminal non-support shall be assigned to the Court which had original jurisdiction of any filing of a Petition for Dissolution of Marriage, Dissolution Decree, Paternity Determination, or similar case filed. It is the objective of this provision to eliminate two Courts addressing the same party and related issues. If no prior case has been filed, such cases shall be filed in accordance with the rules previously set forth

(D) Protective Orders and Invasion of Privacy: If a Dissolution of Marriage is pending or has been granted to the parties or if a paternity action has been filed or has been determined and subsequently one of the parties petitions for a protective order against the other party, said protective order shall be assigned to the Court which originally addressed the dissolution or paternity. The purpose of this policy is to assure that the same Court which has determined custody and visitation will also determine the terms of the protective order so that visitation can be assured while simultaneously the



appropriate parties are protected. Therefore, any violation of a protective order (invasion of privacy) involving such parties shall likewise be filed in the Court originally addressing the dissolution or paternity and where the protective order was issued. It is the expressed desire of the Court to eliminate duplication and confusion in regards to multiple orders for various purposes involving the same parties.

(E) Pending Cases: Cases involving offenders who have charges pending in either Court, or prior convictions in either Court may be filed in that Court despite the provisions of Paragraphs (A) and (D).

### **LR01-CR2.2-CR-02 TRANSFER**

(A) Circuit to Superior: A Judge of Adams Circuit Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Superior Court, may transfer and reassign any criminal case to Superior Court pursuant to the authority of I.C. 33-5-4.5-9.

(B) Superior to Circuit: A Judge of the Adams Superior Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Circuit Court, may transfer and reassign any criminal case to Circuit Court pursuant to the authority of I.C. 33-5-4.5-9.

### **LR01-CR2.2-CR-03 --REFILING AND SUBSEQUENT FILINGS**

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken unless Local Rule 1 (above) regarding case assignment dictates otherwise. For example, a case may originally be filed as a Class D Felony Battery, later is dismissed, and subsequently is filed as Murder, a Class A Felony. Local Rule 1 in regard to case assignment shall take precedence and it shall be filed in Circuit Court

### **LR01-CR2.2-CR-04 --REASSIGNMENT**

(A) Circuit Court: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Circuit Court, the case shall be reassigned to Adams Superior Court.

(B) Superior Court: In the event a change of Judge is granted or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Superior Court, the case shall be reassigned to Adams Circuit Court.

(C) Alternative: In the event that a reassignment can not be accomplished pursuant to the rules set forth above, then by order of adoption of these rules, the Indiana Supreme Court, pursuant to I/C. 33-2.1-7-8 temporarily transfers the following named Judges to the Adams Circuit Court or Adams Superior Court for the purpose of reassignment of felony and misdemeanor cases and said individuals are as follows:

Honorable Tom D. Diller, the Honorable Joel D. Roberts, the Honorable Everett E. Goshorn, and the Honorable David L. Hanselman, Sr.

In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above noted Judges.

**LR01-CR2.2-CR-05 --APPOINTMENT OF SPECIAL JUDGE**

In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT  
CAUSE NO. 01C01-9409-MI-019

COUNTY OF ADAMS: SS

IN THE ADAMS SUPERIOR COURT  
CAUSE NO. 01D01-9401-MI-001

## GENERAL ORDER OF COURT

LR01-FL00-01

WHEREAS minor children who are the subject matter of domestic relations cases, paternity cases, Children in Need of services cases, and juvenile delinquency cases are frequently caught in the middle of strife between separated parents; and

WHEREAS the failure of the parents to deal with their differences without involving their children causes unnecessary trauma for the children, unnecessary consumption of the resources of this Court, and unnecessary demands upon the welfare and probation resources of Adams County; and

WHEREAS a program of education for separated parents can serve to alleviate the problems described above;

Pursuant to the powers inherent to the Adams Circuit Court,

**IT IS NOW THEREFORE ORDERED** that the parties to every Petition for Dissolution of Marriage or Petition for Legal Separation which involves minor or unemancipated children and all parties to Paternity proceedings shall be ordered to attend and pay for the *Families in Transition* program administered and presented by Family Centered Services, Inc., or such other organization that the Court may from time to time designate. In all such cases the Court shall enter, and have served upon the parties, its Order in their particular case which Order shall contain all necessary information for their attendance and compliance. A certificate of attendance for each party shall be filed with the Court by each party before a final hearing may be held.

**IT IS FURTHER ORDERED** that any exception to the above order shall only be granted by express order of the Court after a showing of good cause for such exception.

**IT IS FURTHER ORDERED** that this Court may from time to time in its discretion order parties to other cases to attend Families in Transition and upon such occasions the parties shall comply with the terms of this General Order as well as the order entered in their particular case.

**IT IS FURTHER ORDERED** that the fee to be paid by each party to the Clerk of the Adams Circuit Court for the benefit of Family Centered Services, Inc. shall be \$40.00. Fee amounts shall be reviewed on an annual basis every August.

**IT IS FURTHER ORDERED** that the Court shall have full contempt powers to enforce compliance with its orders for attendance including incarceration.

The Clerk of the Adams Circuit Court is directed to place this General Order in the Record of Judgments and Order of this Court and issue copies to all members of the Adams County Bar.

DATE: September 14, 1994

S/Lorren D. Caffee  
Lorren D. Caffee, Judge  
Adams Circuit Court

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT  
CAUSE NO. 01C01-0012-MI-001

COUNTY OF ADAMS SS:

IN THE ADAMS SUPERIOR COURT  
CAUSE NO. 01D01-0012-MI-001

IN RE: THE MATTER OF  
COURTHOUSE SECURITY

JOINT ORDER OF THE ADAMS  
CIRCUIT COURT AND THE  
ADAMS SUPERIOR COURT

LR01-AR00-01

WHEREAS, the Adams Circuit Court and the Adams Superior Court have a duty to maintain the orderly administration of justice for the benefit of all persons who use the Adams County Courthouse and the Adams Superior Court building and the premises contiguous thereto, including, but not limited to, the general public, litigants and persons employed within the Adams Courthouse and Adams Superior Court building; and

WHEREAS, the possession of firearms and other deadly weapons (including but not limited to knives with blades in excess of four inches in length) in the Adams County Courthouse, and Adams Superior Court building by any person, excepting the authorized security personnel of the Sheriff of Adams County and other law enforcement personnel authorized by the Sheriff of Adams County, and authorized court officers, is contrary to maintaining the orderly administration of justice; and

WHEREAS, the possession of firearms and other deadly weapons serves no reasonable public interest in the orderly administration of justice and is contrary to the recommendations of the Court Security Committee and the Court Security Survey and Assessment conducted by the Department of Justice, U.S. Marshals Office, Ft. Wayne Division, Ft. Wayne, IN dated June 1, 2000 and

WHEREAS, the unauthorized possession of firearms and deadly weapon impedes the duty of the Sheriff of Adams County to provide for the safety and security of Adams County property and persons lawfully upon said property; and

WHEREAS, as the initial step in a long range plan to provide for the safety and security of the general public, litigants and persons employed within the Adams County Courthouse, and Adams County Superior Court building, the Courts of Adams County have determined that it is of paramount importance and now necessary to ban all firearms and deadly weapons (including but not limited to knives with blades in excess of four inches in length) from the Adams County Courthouse and Adams Superior Court building.

NOW THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED that no person excepting the Sheriff of Adams County, his deputies and authorized security personnel, other law enforcement personnel, and authorized court officers, shall possess a firearm or other deadly weapon (including but not limited to knives with blades in excess of four inches in length) in the Adams County Courthouse and the Adams Superior Court building.

The Sheriff of Adams County is authorized to conduct noninvasive searches of persons entering the Adams County Courthouse and Adams County Superior Court building and the premises contiguous thereto.

The Sheriff is authorized to arrest and bring the court all persons failing or refusing to abide by the Order herein to answer and show cause why the Court should not hold said person(s) in contempt of the Order herein.

JOINTLY ORDERED THIS 29<sup>th</sup> day of December, 2000.

S/Frederick A. Schurger  
Frederick A. Schurger, Judge  
Adams Circuit Court

S/James A. Heimann  
James A. Heimann, Judge  
Adams Superior Court

RESOLUTION NO. 2001-1

WHEREAS, the Judges of the Adams Circuit Court and Adams Superior Court have adopted an order prohibiting unauthorized person(s) from bringing into the Adams County Courthouse or the Adams County Superior Court building any firearms or other deadly weapons (including but not limited to knives with blades in excess of four inches in length), a copy of which Order is attached hereto,

NOW THEREFORE, the Adams County Commissioners find the same to be appropriate and do now adopt and approve said General Orders of the Courts and adopt the same as its resolution prohibiting the introduction of firearms or other deadly weapons by any person into the Adams County Courthouse and the Adams County Superior Court building with the exception of the Sheriff of Adams County, his deputies and other law enforcement personnel and authorized court officers.

APPROVED THIS 2<sup>nd</sup> day of January, 2001.

S/Douglas L. Bauman

Douglas Bauman, Commissioner

S/Steven W. Baumann

Steven W. Baumann, Commissioner

S/Edwin E. Coil

Edwin E. Coil, Commissioner

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT  
CASE NUMBER 01C01-0601-CB-0001

COUNTY OF ADAMS SS:

IN THE ADAMS SUPERIOR COURT  
CASE NUMBER 01D01-0601-CB-0001

IN RE:  
LOCAL RULES

LOCAL RULE REGARDING COURT REPORTER SERVICES

Pursuant to Administrative Rule 15, the Court adopts the following plan governing all Court Reporter services:

**LR01-AR15-01** *Definitions:* The Court adopts the definitions indicated in

Administrative Rule 15, which are set forth below:

(a) *A Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(b) *Equipment* means all physical items owned by the court or other government entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.

(c) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(d) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(e) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(f) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.

(g) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.



(h) *Overtime* hours worked means those hours worked in excess of forty (40) hours per work week.

(i) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(j) *Court* means the particular court for which the court reporter performs services. Depending upon the county, *Court* may also mean a group of courts, i.e. "X county Courts".

(k) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court. The county indigent transcript will also include any requests from the Local Prosecutor's Office.

(l) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(m) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

**LR01-AR15-02** *Annual Salary:* Each Court Reporter shall be paid an annual salary for the time spent working under the control, direction and direct supervision of the Court during any regular work hours or overtime hours. Said salary shall be set by the Court each year and incorporated in the county salary ordinance.

**LR01-AR15-03** *Indigent transcripts:* Considering the past experience of the Courts, it is anticipated that most indigent transcripts will be required to be prepared at a time other than regular work hours. For any such transcripts prepared by the Court Reporter at a time other than regular work hours, said Court Reporter shall be paid a per page fee of \$3.50 per page. For these services, the Court Reporter shall submit a claim directly to the county for any county indigent transcript and shall submit a claim to the state for any state indigent transcripts. If any indigent transcript is prepared during regular work hours, the Court Reporter shall be paid the regular salary and no per page fee shall be submitted or allowed.

If Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$7.00 per page where the transcript must be prepared within 24 hours or less and \$6.50 per page where the transcript must be prepared within 7 days. A minimum fee of \$35.00 will be charged for transcripts less than 10 pages in length. The time spent binding the transcript, exhibit and index volumes will be at an hourly rate of what the employee earns at an hourly rate. The Court Reporter may charge up to \$1.00 per page for a copy of a transcript or an exhibit.

**LR01-AR15-04** *Private transcripts:* Considering the past experience of the Courts, it is anticipated that most private transcripts will be required to be prepared at a time other than regular work hours, just as is done with indigent transcripts mentioned above.

Therefore, for any such private transcripts prepared by the Court Reporter at a time other than regular work hours, said Court Reporter shall be paid a per page fee of \$3.50 per page. The Courts do not anticipate that said private transcripts will be prepared during work hours, but if this does occur, the Court Reporter shall be paid regular salary and the per page fee of \$3.50 shall be paid to the county.

If Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$7.00 per page where the transcript must be prepared within 24 hours or less and \$6.50 per page where the transcript must be prepared within 7 days,. A minimum fee of \$35.00 will be charged for transcripts less than 10 pages in length. The time spent binding the transcript, exhibit and index volumes will be at an hourly rate of what the employee earns at an hourly rate. The Court may charge up to \$1.00 per page for a copy of a transcript or an exhibit.

**LR01-AR15-05** Each Court Reporter shall submit a report, at least on an annual basis to the Indiana Supreme Court Division of State Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the Court Reporter.

**LR01-AR15-06** *Gap and overtime hours:* The Court Reporters in the Adams County Courts work 40 hours per week and, therefore, there is no “gap time”. Over-time hours shall be paid at one and one-half (1 ½) times the equivalent of the hourly rate or as prescribed by county government rules, ordinances, or by state statute. Over-time also may be compensated by compensatory time and said compensatory time shall be utilized within 180 days of the approval of said time. (The Court recognizes that the county might require use of compensatory time in the week following its accrual, but such a requirement cannot be utilized by the Court. For example, a week long jury trial might require extensive over-time, but the jury trial might also delay many hearings and trials to the following week when the presence of the Court Reporter is absolutely necessary and, therefore, compensatory time, to be effective, must be utilized at a later date). Any overtime that is satisfied by compensatory time shall be one and a half times the hours worked overtime, for example, four hours overtime would be compensated by six hours of time off regular work hours.

**LR01-AR15-07** *Use of equipment:* The Courts recognize that relatively few transcripts are prepared by a Court Reporter during the course of a year. The Courts also recognize that depositions for private individuals other than Court related transcripts are not prepared by the Court Reporters. Therefore, it is not feasible for the Court Reporters to purchase machines, other equipment, paper, etc. for the preparation of transcripts,

depositions and other matters. These transcripts are prepared by the Court Reporter solely in the official capacity as Court Reporter. Therefore, the “per page” charge which is set forth above anticipates that the Court Reporter is entitled to utilize the equipment and materials of the Court and that the compensation is, therefore, solely for the Court Reporter’s labor.

Copies: Copies of this rule shall be provided to all present court reporters and any court reporter who is hired by the Court subsequent to the date of this order. Likewise, an executed copy of this order shall be forwarded to the Indiana Supreme Court for approval all in accordance with Administrative Rule 15.

DATED AND ORDERED: May 3, 2006.

S/Frederick A. Schurger  
Frederick A. Schurger, Judge  
Adams Circuit Court

S/James A. Heimann  
James A. Heimann, Judge  
Adams Superior Court

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT  
CAUSE NO. 01C01-0601-CB-0001

COUNTY OF ADAMS SS:

IN THE ADAMS SUPERIOR COURT  
CAUSE NO. 01D01-0601-CB-0001

### ADAMS COUNTY CASELOAD RULE

WHEREAS, on July 16, 1999, the Supreme Court of Indiana issued an Order for Development of Local Caseload Plan.

WHEREAS, on September 2, 1999, the majority of Judges in District 3 met in an effort to comply with the Supreme Court's Order and to provide for an efficient method of resolving legal disputes arising in the District 3 counties.

WHEREAS, the undersigned Judges agreed to adopt a Uniform Local Rule complying with the District 3 Caseload Distribution Rule made September 2, 1999.

WHEREAS, the Adams Circuit Court currently has a newly appointed judge with the normal likelihood of unusual statistics following such appointment.

WHEREAS, the underutilized courts near or adjoining Adams County include Jay Circuit and Superior Court and Blackford County Court (which are in administrative District 6) but because of travel distance are among the most logical choices for Special Judge appointment of cases from Adams County courts.

NOW THEREFORE, the following Local Rules are adopted:

#### LR01-TR79-01 DEFINITIONS

1.1 "Over-utilized counties" – Counties in which, according to the most recent Weighted Caseload Measure (WCM), the judicial officers are being utilized at greater than the statewide average.

1.2 "Under-utilized counties" – Counties in which, according to the most recent WCM, the judicial officers are being utilized at more than twenty-five (25) percentage points below the statewide average.

1.3 "Other counties" – Counties in which, according to the most recent WCM, the judicial officers are being utilized at the statewide average, or within twenty-five (25) percentage points below the statewide average.

LR01-TR79-02

2.1 Whenever selection of a special judge is required under Trial Rule 76 or Trial Rule 79(H), this shall be the exclusive method for selection of special judges.

2.2 In an “Over-Utilized County”, special judges shall be selected exclusively from a list of judicial officers presiding in courts in “Under-Utilized Counties.” To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges in “Over-Utilized Counties”, based upon the 1998 WCM, shall be as follows:

A. Special judges serving Allen County shall be selected from the nine (9) judicial officers sitting in Adams, LaGrange, Steuben and Wells counties;

B. Special judges serving DeKalb county shall be selected from the five (5) judicial officers sitting in LaGrange and Steuben counties;

C. Special judges serving Huntington County shall be selected from the four (4) judicial officers sitting in Adams and Wells counties.

2.3 In an “Under-Utilized County”, special judges shall be selected exclusively from a list of judicial officers sitting in other “Under-Utilized Counties”. To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges in “Under-Utilized Counties”, based upon the 1998 WCM, shall be as follows:

A. Special judges serving Adams County shall be selected from the other judicial officer sitting in Adams County and the two (2) judicial officers sitting in Wells County;

B. Special judges serving LaGrange County shall be selected from the other judicial officer sitting in LaGrange County and the three (3) judicial officers sitting in Steuben County.

C. Special judges serving Steuben County shall be selected from the other judicial officers sitting in Steuben County and the two (2) judicial officers sitting in LaGrange County;

D. Special judges serving Wells County shall be selected from the other judicial officer sitting in Wells County and the two (2) judicial officers sitting in Adams County.

2.4 In an “Other County”, special judges will be selected from counties which are similarly situated. To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges, based upon the 1998 WCM, shall be as follows:

A. Special judges serving Noble County shall be selected from the other judicial officers sitting in Noble County and the two (2) judicial officers sitting in Whitley County;

B. Special judges serving Whitley County shall be selected from the other judicial officer sitting in Whitley County and the three (3) judicial officers sitting in Noble County.

2.5 Each judge in every court of District 3 shall maintain a list of judges available to serve as special judge in his or her court. The list shall remain confidential to the judge and his or her designated staff. The method for selection of a special judge from the list shall be sequential, that is, from top to bottom, until each judicial officer has been selected. No judicial officer appearing on the list shall be selected more than once until all judicial officers have been selected.

2.6 The special judge selected hereunder, shall have the sole discretion to transfer the proceeding under Trial Rule 79(M).

2.7 Each special judge, who receives a case hereunder, shall maintain a statistical record of the number, case type and disposition of each case received to quantify the additional caseload and shall report same to the Division of State Court Administration on a quarterly basis.

2.8 Each judge, who assigns a special judge hereunder, shall maintain a statistical record of the number and case type of each case assigned and shall report same to the Division of State Court Administration on a quarterly basis.

2.9 This rule applies only to selection of special judges in civil matters. It does not apply to the selection of special judges in criminal and juvenile matters.

2.10 The judges in District 3 shall meet on or before May 1 of each year to review the WCM from the previous year, shall meet during the month of September in each year to review the impact of this rule and, no later than October 1 of each year, shall adopt a rule for the ensuing year.

2.11 All previous local rules adopted by the judge in District 3 regarding the selection of special judges in civil matters are repealed to the extent that they are inconsistent with this Rule.

2.12 This Rule shall be effective July 31, 2006 or upon approval by the Indiana Supreme Court if required.

LR01-TR79-03

3.1 In the event of the recusal or disqualification of the presiding Adams Circuit Court Judge, for decedent estate matters, the judge of the Adams Superior Court shall serve as special judge.

3.2 All decedent estate cases shall be filed in the Adams Circuit Court.

3.3 In the event of the recusal or disqualification of the presiding Adams Circuit Court Judge a panel of judges consisting of the regular judge of the Jay Circuit Court, the regular judge of the Jay Superior Court, the regular judge of the Blackford Superior Court, the regular judge of the Wells Superior Court and the regular judge of the Wells Circuit Court is created. Selection shall be done pursuant to TR 79(H). The method of selection from the list of special judges shall be that the Judge of the Adams Circuit Court shall maintain the list of the panel and upon such recusal or disqualification, going from top to bottom, select the special judge until each judge on the list has been selected once, before any one judge is selected twice, et cetera; provided however, that in the event one defendant has two or more cases, all such cases shall be assigned to the special judge first selected.. This list shall remain confidential to the judge and designated staff. The special judge selected thereunder, shall have the sole discretion to transfer the proceeding under Trial Rule 79(M).

3.4 The judges of Adams County shall meet at least annually to review the impact of these rules and in particular the balancing of caseloads between the Courts.

3.5 The Local Rules 3.1 through 3.5 shall be forwarded for review by the Indiana Supreme Court and upon approval of the Indiana Supreme Court these Rules shall become effective upon such approval.



ADAMS COUNTY  
RULES OF COURT

LR01-TR79-04

This rule shall apply to the reassignment of cases and the selection of a senior judge in juvenile, paternity and domestic relation cases where there is an order of disqualification or recusal entered in the case in the Adams Circuit Court

After September 13, 1999 whenever the Judge of the Adams Circuit Court has a conflict of interest in any juvenile, paternity or domestic relations case which requires him to recuse himself because of prior contact with the case as Deputy Prosecuting Attorney, the case shall be assigned to Senior Judge Vern E. Sheldon for all further proceedings.

Senior Judge Vern E. Sheldon shall accept jurisdiction under the provisions of this rule unless disqualified under the Code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of such case shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction shall not be required. Senior Judge Vern E. Sheldon shall retain jurisdiction of the case for all future proceedings unless a specific statute or rule provides to the contrary or the senior judge is unavailable by reason of death, sickness, absence, or unwillingness to serve. If further reassignment is required because of the retirement of Senior Judge Vern E. Sheldon and if a Senior Judge has been appointed to the Adams Circuit Court, such reassignment shall be to such successor Senior Judge. If further reassignment is required or the selection of a successor special judge or senior judge it shall be in the same manner as set forth in the rules of civil procedure.

DATED and ORDERED:     September 25, 2006

S/James A. Heimann  
James A. Heimann, Judge  
Adams Superior Court

S/Frederick A. Schurger  
Frederick A. Schurger  
Adams Circuit Court

STATE OF INDIANA

COUNTY OF ADAMS SS:

IN THE ADAMS CIRCUIT COURT  
CAUSE NO. 01C01-0501-CB-0001

IN THE ADAMS SUPERIOR COURT  
CAUSE NO. 01D01-0501-CB-0001

LOCAL RULE

LR01-JR4-1

Pursuant to Indiana Jury Rule 4, both Courts of Adams County adopt a two-tier notice and summons methodology whereby within seven days after drawing of names from the jury pool the Jury Administrator shall mail to each person whose name is drawn a jury qualification form and notice of the period during which any service may be performed and at a later time the Jury Administrator shall summon prospective jurors at least one week before actual service all in keeping with Indiana Jury Rule 4.

DATED: 5-25-05

S/Frederick A. Schurger  
Frederick A. Schurger, Judge  
Adams Circuit Court

S/James A. Heimann  
James A. Heimann, Judge  
Adams Superior Court